

REMARKS

Claims 1, 3-12, 14-23, 25-29 remain pending. No new matter has been added.

CLAIM REJECTIONS
35 U.S.C. § 103

Claims 1, 3-8, 14-19, 23, and 25-27 are rejected under 35 U.S.C 103(a) as being anticipated by Baker et al., (U.S. Patent Publication US 2003/0033243 A1), hereafter referred to as Baker in view of Suzuki et al., (U.S. Patent No. 5,267,171), hereafter referred to as Suzuki. The rejection is respectfully traversed for the following reasons.

Previously presented Claim 1 recites in part (emphasis added):

in response to a software selection, emulating, on said software dispensing device, a portable computer system executing said selected software program, wherein a user can manipulate said selected software program;

Claim 1 includes the limitation “emulating, on said software dispensing device, a portable computer executing said selected software program, wherein a user can manipulate said selected software program.” Applicants have reviewed the Baker reference and the Suzuki reference and respectfully assert that the combination of Baker and Suzuki fails to teach or suggest this limitation, as claimed in Claim 1.

Baker verifies payment, retrieves the selected software program and wirelessly transmits the software to the requestor. Baker fails to teach or suggest emulating the portable computer executing the selected software program, as claimed. The Baker reference teaches away from the claimed limitations of the invention by teaching "after making a request, the requestor 110 also delivers payment information based on the request to the request receiver 125 of the content vending machine 120" [0019]. With Baker, a user must make payment before executing the selected software. This is very different from emulating a user's portable computer executing the selected software, as claimed.

Suzuki fails to remedy the deficiencies of Baker. Suzuki purports to teach "the software vending machine 3 also includes a display 14 for displaying various software demonstrations, instructions for using the software vending machine 3 and procedures for operating the software vending machine 3" (column 2 lines 59-62). Suzuki teaches away from the limitation of "emulating the portable computer executing the selected software wherein a user can manipulate the selected software," as claimed.

The on-screen instructions of Suzuki are not taught as an emulation of the portable computer executing the selected software wherein a user can manipulate the selected software. Suzuki also fails to teach or suggest emulating a portable computer, as claimed. Suzuki provides a read only instruction set for

using the software and vending machine. This is very different from "emulating the portable computer executing the selected software wherein a user can manipulate the selected software," as claimed. As such, Claim 1 is patentable over Baker in view of Suzuki. Claims 3-8 that depend from Independent Claim 1, Claims 14-19 that depend from Independent Claim 12 and Claims 25-27 that depend from independent Claim 23 recite similar limitations to Claim 1. As such, allowance of Claims 1, 3-8, 12, 14-19, 23, and 25-27 is earnestly solicited.

Claims 9, 10, 11, 20-22, 28 and 28

Claims 9, 10, 11, 20-22, 28 and 28 are rejected under 35 U.S.C 103(a) as being unpatentable over Baker in view of the article "Hand-helds; Don't Get Into A Crunch: Prevention and a Backup Plan Can Save Your Data" (Kellner, Mark A. March 15, 2001), hereafter referred to as Kellner. This rejection is respectfully traversed for the following reasons.

Kellner purports to teach a system for remote data back up for a PDA. However, Kellner fails to teach or suggest "emulating a portable computer executing the selected software program such that a user can manipulate the selected program," as claimed. Kellner provides data backup for information already stored on a user's PDA. Kellner does not teach or suggest emulating the portable computer, as claimed. The claimed limitations of the present invention emulate a user's portable computer executing software that is not stored on the

portable computer. Applicants respectfully assert that Claims 9, 10, 11, 20-22, 28 and 28 are patentable over Baker in view of Kellner because the combination of Baker and Kellner fails to teach or suggest this limitation. As such, allowance of Claims 9, 10, 11, 20-22, 28 and 28 is earnestly solicited.

CONCLUSION

In light of the above listed remarks, reconsideration of the rejected Claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1, 3-12, 14-23, 25-29 overcome the rejections and objections of record and, therefore, allowance of Claims 1, 3-12, 14-23, 25-29 is earnestly solicited.

Should the Examiner have a question regarding the instant response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,
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